

STEPHEN L. NELSON (Bar No. 74836)  
KRISTIN A. WINTER (Bar No. 218443)  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
525 Market Street, 17<sup>th</sup> Floor  
San Francisco, California 94105-2725  
Telephone: (415) 433-0990  
Facsimile: (415) 434-1370  
E-mail: Stephen.Nelson@wilsonelser.com  
E-mail: Kristin.Winter@wilsonelser.com

Attorneys for Defendant  
Virgin America, Inc.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JENNIFER KEUM,

Plaintiff,

VS.

VIRGIN AMERICA, INC., and DOES 1 through 25, inclusive.

#### Defendants.

Case No. 10-cv-03285 SI

**HEARING:**

Date: January 28, 2011  
Time: 9:00 a.m.  
Courtroom: 10 (19<sup>th</sup> Floor)

**PARTY'S STIPULATION TO CONTINUE  
HEARING SHOULD THE COURT  
DECIDE TO HAVE ORAL ARGUMENT  
ON DEFENDANT'S MOTION FOR  
JUDGMENT ON THE PLEADINGS  
Rule 12(c)**

IT IS HEREBY STIPULATED AND AGREED by and between Defendant VIRGIN AMERICA, INC. and plaintiff JENNIFER KEUM as follows:

1. To request that the court continue the hearing in this matter to February 10, 2011 or any later date as is convenient for the court's schedule or in the alternative decide this motion on the pleadings.

Pursuant to Local Rule 6-2(a) the parties provide the following information:

1. This request is being made because counsel for Virgin America has a conflict requiring her to attend a deposition on January 28, 2011, at 9:00 a.m. in San Diego. This deposition is of an FAA Air Safety Inspector which took months to set up with the FAA and cannot be rescheduled. Ms. Winter has worked that case exclusively

1 and because of her years of professional aviation experience is in by far the best  
 2 position to examine this witness on the technical aspects of the issues arising from  
 3 the FAA/NTSB investigation of an airplane crash which is the subject of the  
 4 pending litigation styled AMANDEEP SINGH, et al v. CALIFORNIA FLIGHT  
 5 ACADEMY INTERNATIONAL, INC., et al, San Diego Superior Court case  
 6 number 37-2010-00101294-CU-PL-CTL. Substituting attorneys for this deposition  
 7 would prejudice our client, California Flight Academy.

8 2. Ms. Winter is also the logical person to attend the hearing on Virgin America's  
 9 motion for judgment on the pleadings to answer any questions that the court may  
 10 have, as she wrote the briefs and is the only attorney in this office who is intimately  
 11 familiar with the preemption issues presented – having dealt with these issues  
 12 extensively over the last ten years or so. In fairness to Virgin America and to the  
 13 court, substitution of counsel who has not worked with the issues of federal  
 14 preemption in the realm of aviation would waste the court's time and prejudice  
 15 Virgin America.

16 3. No other time modifications have been granted in this matter as this case is just in  
 17 the preliminary phases of discovery.

18 4. A delay of even several weeks or more will not have any effect on the overall timing  
 19 or deadlines in this case. Discovery is progressing in the interim.

20 DATED: January 19, 2011 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
 21

22 By: Kristin A. Winter  
 23 Stephen L. Nelson  
 Kristin A. Winter  
 24 Attorneys for Defendant  
 Virgin America, Inc.

25 DATED: January 19, 2011

LAW OFFICES OF DANIEL VEGA

26 By: Daniel Martinez de la Vega  
 27 Attorneys for Plaintiff  
 Jennifer Keum

